

REMARKS

The present amendment is submitted in response to the Office Action entered on February 21, 2008. A three month petition for extension of time and a request for continued examination (RCE) are also submitted herewith. Of the present claims, claims 1-7 and 15-48 are withdrawn from consideration without prejudice. Claims 8-14 are pending. Claims 8-11, 13 and 14 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Pub. No. 2003/0039191 issued to Arioka (Arioka). Claim 12 was rejected under 35 U.S.C. §103(a) as obvious in view of Arioka in combination with U.S. Pat. No. 5,485,449 issued to Nakajo (Nakajo). Claim 8 is hereby amended. Reexamination and reconsideration in view of the amendments and arguments submitted herein is respectfully requested.

Embodiments of the invention are related to a mark length or pit length information recording scheme. Thus, the information recorded in the optical disc depends solely on the pit length. Therefore, varying the pit width would cause no change to the recorded information.¹ Embodiments of the invention provide that the pit width may nevertheless be changed by selecting one of two or more strategies for writing information. This variance of the pit width does not change the actual data being recorded. It is provided for other purposes, such as, for example, to accommodate different types of players, and/or to decrease different types of playback errors.

Claims 8-11, 13 and 14 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Pub. No. 2003/0039191 issued to Arioka (Arioka). Applicants respectfully disagree. Arioka does not disclose that information is recorded according to a mark length recording scheme, as recited by claim 8. According to Arioka, information is encoded in the optical disk by varying two features: the overall size of a mark and the optical transmittance of the mark (see ¶25). As shown in Figs 3 and 4, the overall size depends both on the width of the mark as well as the length of the mark. On the contrary, the embodiments of claim 8 rely on a mark length encoding scheme that encodes information based only on the length of the marks. While claim 8's original recitation "information being recorded ... according to a mark length recording scheme" was sufficient to convey to one skilled in the art that the recording scheme relies only on the length of marks to store information,

Applicant hereby amends claim 8 to recite “information being recorded ... according to a mark length only recording scheme” in order to make it abundantly clear that the recording scheme of the embodiment of claim 8 records information only in the mark length and not in the mark width or the overall size of the mark as does Arioka. Therefore, Arioka does not disclose “information being recorded ... according to a mark length only recording scheme” as recited by claim 8.

Furthermore, Arioka does not disclose “the information being recorded in the form of an alternate arrangement of pits and lands” as recited in claim 1. According to Arioka, the information is recorded by irradiating a layer of organic dye and thus causing chemical changes in the dye which cause the dye to change its optical reflectivity. Thus, the marks of Arioka do not constitute pits but portions of organic material with different reflectivity. While Arioka does disclose pits (see ¶¶57, 58), these pits are not used to encode the information the disk is intended to store, but to specify various meta data, such as a disk identification, identification of the type of recording medium the disk uses, etc.

Therefore, Arioka does not anticipate claim 8. Claims 9-11, 13 and 14 are not anticipated because they depend upon valid claim 8.

Claim 12 was rejected under 35 U.S.C. §103(a) as obvious in view of Arioka in combination with Nakajo. Claim 12 depends upon claim 8. Therefore, claim 12 is patentable in view of Arioka. Nakajo is silent as to exactly how information is encoded. Nakajo does discuss the goal of creating pits with certain predefined lengths, but does not state that this length is used to record information or that it is the only feature that records information.

However, even if Nakajo or another reference is held to disclose “a mark length only recording scheme”, this could not be combined with Arioka to render the present claims obvious. That is the case because Arioka only changes the width of the marks in order to record information, and for no other reason. Thus, if there were a reference that discloses that information is only recorded in the length of the marks, and a person of skill in the art modified Arioka according to that feature, then there would be no reason for the system of Arioka to control (change) the width of the

¹ Naturally if the pit width is varied beyond predefined tolerance levels, the recording may become invalid.

marks at all. Therefore, if a person of skill in the art were to modify Arioka to utilize mark length only recording of information, this would result in Arioka losing its ability to change the mark width, as Arioka provides no reason to control mark width other than to record information. On the other hand, the presently pending claims recite at least two different strategies that change the laser strength and the pulse length which result in changes to the mark width.

In other words, the present claims provide for controlling/changing the mark width *even though* the mark width does not store any information. This is not disclosed by Arioka in combination with Nakajo.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032043800.

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Respectfully submitted,

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